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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 JORGE MAYA,

Case No. 3:19-cv-00379-MMD-WGC

7 Plaintiff,

ORDER

8 v.

9 COUNTY OF ELKO, *et. al.*,

Defendants.

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11 This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. §
12 1983 by a person in the custody of the Elko County Jail. On January 17, 2020, this Court
13 issued an order directing Plaintiff to file his updated address with this Court within 30
14 days. (ECF No. 6.) The 30-day period has now expired, and Plaintiff has not filed his
15 updated address or otherwise responded to the Court's order. The Court will therefore
16 dismiss this case.

17 District courts have the inherent power to control their dockets and "[i]n the
18 exercise of that power, they may impose sanctions including, where appropriate . . .
19 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
20 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure
21 to prosecute an action, failure to obey a court order, or failure to comply with local rules.
22 See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance
23 with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for
24 failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856
25 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring
26 *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Serv.*, 833 F.2d
27 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v.*

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1 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure
2 to comply with local rules).

3 In determining whether to dismiss an action for lack of prosecution, failure to obey
4 a court order, or failure to comply with local rules, the court must consider several factors:
5 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
6 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
7 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
8 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
9 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.


10 In the instant case, the Court finds that the first two factors weigh in favor of
11 dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of
12 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay
13 in filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air*
14 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor, public policy favoring
15 disposition of cases on their merits, is greatly outweighed by the factors in favor of
16 dismissal discussed herein. Finally, a court's warning to a party that his failure to obey
17 the court's order will result in dismissal satisfies the "consideration of alternatives"
18 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779
19 F.2d at 1424. The Court's order requiring Plaintiff to file his updated address with the
20 Court within 30 days expressly stated: "It is further ordered that, if Plaintiff fails to timely
21 comply with this order, the Court shall dismiss this case without prejudice." (ECF No. 6 at
22 2.) Thus, Plaintiff had adequate warning that dismissal would result from his
23 noncompliance with the Court's order to file his updated address within 30 days.

24 It is therefore ordered that this action is dismissed without prejudice based on
25 Plaintiff's failure to file an updated address in compliance with this Court's January 17,
26 2020 order.

27 It is further ordered that the application to proceed *in forma pauperis* is denied as
28 moot.

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It is further ordered that the Clerk of Court enter judgment accordingly.
DATED THIS 25th day of February 2020.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE